
By: The President (Department of Legislative Reference)

Introduced and read first time: January 9, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Good Samaritan Immunity - Emergency Medical Technician-Paramedics

3 FOR the purpose of clarifying that an individual who is certified by the State as an
4 emergency medical technician-paramedic is entitled to qualified immunity from
5 civil liability for providing emergency medical care; repealing a certain provision
6 requiring paramedics to undergo a State licensing procedure; changing a reference
7 from "emergency medical technician" to "emergency medical
8 technician-paramedic"; and generally relating to qualified immunity from civil
9 liability for providing emergency medical care and emergency medical
10 technician-paramedics.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 5-309
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1996 Supplement)

16 BY repealing
17 Chapter 248 of the Acts of the General Assembly of 1983
18 Section 2

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 Article - Courts and Judicial Proceedings

22 5-309.

23 (a) A person described in subsection (b) of this section is not civilly liable for any
24 act or omission in giving any assistance or medical care, if:

25 (1) The act or omission is not one of gross negligence;

26 (2) The assistance or medical care is provided without fee or other
27 compensation; and

28 (3) The assistance or medical care is provided:

29 (i) At the scene of an emergency;

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1 (ii) In transit to a medical facility; or

2 (iii) Through communications with personnel providing emergency
3 assistance.

4 (b) Subsection (a) of this section applies to the following:

5 (1) An individual who is licensed by this State to provide medical care;

6 (2) A member of any State, county, municipal, or volunteer fire department,
7 ambulance and rescue squad or law enforcement agency or of the National Ski Patrol
8 System, or a corporate fire department responding to a call outside of its corporate
9 premises, if the member:

10 (i) Has completed an American Red Cross course in advanced first
11 aid and has a current card showing that status;

12 (ii) Has completed an equivalent of an American Red Cross course in
13 advanced first aid, as determined by the Secretary of Health and Mental Hygiene; or

14 (iii) Is certified by this State as an [emergency medical technician]
15 EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC or cardiac rescue technician;

16 (3) A volunteer fire department, ambulance and rescue squad whose
17 members have immunity;

18 (4) A corporation when its fire department personnel are immune under
19 paragraph (2) of this subsection.

20 (c) An individual who is not covered otherwise by this section is not civilly liable
21 for any act or omission in providing assistance or medical aid to a victim at the scene of
22 an emergency, if:

23 (1) The assistance or aid is provided in a reasonably prudent manner;

24 (2) The assistance or aid is provided without fee or other compensation; and

25 (3) The individual relinquishes care of the victim when someone who is
26 licensed or certified by this State to provide medical care or services becomes available to
27 take responsibility.

28 **Chapter 248 of the Acts of 1983**

29 [SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is
30 contingent upon the passage of an Act which creates a State licensing procedure for
31 paramedics. If such an Act is not enacted, the provisions of this Act are null and void
32 without the need of further action by the General Assembly.]

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is intended to
34 clarify that an individual who is certified by the State Board of Physician Quality
35 Assurance as an emergency medical technician-paramedic, also known as an "EMT-P" or
36 "paramedic", is entitled under § 5-309(b)(2)(iii) of the Courts Article to qualified
37 immunity from civil liability for providing emergency medical care without undergoing a
38 State licensing procedure for paramedics.

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1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.